

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DANIEL WEBBER,

Plaintiff,

v.

Case Number 05-10126-BC  
Honorable David M. Lawson

STANDISH MAXIMUM CORRECTIONAL FACILITY,

Defendant.

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**ORDER DENYING PLAINTIFF'S  
REQUEST FOR RECONSIDERATION**

This matter is before the Court on correspondence from the plaintiff. The plaintiff appears to seek reconsideration of this Court's November 8, 2005 order that adopted a report by Magistrate Judge Charles E. Binder recommending that the Court dismiss the case for failure to sue a proper defendant and exhaust administrative remedies. The Court will grant a motion for reconsideration if the moving party shows: (1) a "palpable defect," (2) that misled the Court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001). Furthermore, the Local Rules provide that any "motion for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted." E.D. Mich. LR 7.1(g)(3).

After considering the plaintiff's submission, the Court finds that the plaintiff repeats the argument he made in his objections to the magistrate judge's report and recommendation. He reiterates his belief that prison officials have taken his legal mail and that he would have filled out

any appropriate paperwork from the Court had he received it. Regardless of the merit of these claims, the plaintiff does not address the issues found lacking by the Court: the defendant sued an improper defendant and failed to exhaust administrative remedies. As a result, there is no basis for relief.

Accordingly, it is **ORDERED** that the plaintiff's request for reconsideration is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: March 30, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 30, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS